

ORDINANCE NO. 23

BANGOR TOWNSHIP NOISE ORDINANCE

An Ordinance enacted pursuant to the authority of MCL 41.181 et seq., to secure the public health, safety and general welfare of residents, property owners and persons within the Township of Bangor, Van Buren County, Michigan by the regulation of noise and to prescribe the penalties for the violation thereof.

The Township of Bangor, Van Buren County, Michigan, ordains:

SECTION 1 - Title

This Ordinance shall be known and cited as the Bangor Township Anti-Noise Ordinance.

SECTION 2 - Anti-Noise Regulations

A. General Regulation. No person, firm, corporation or other legal entity shall cause, create or maintain any unreasonably loud noise or disturbance which is injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose or other interests of persons in the vicinity or on nearby properties. Any such noise or disturbance is hereby declared a nuisance per se.

B. Specific Violations. The following noises and disturbances, when unreasonable in time, manner or volume and injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose or other interests of persons in the vicinity or on nearby properties are declared to be a violation of this Ordinance. Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.

1. It shall be unlawful between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday and holiday weekends for any person to make, create, maintain or permit any loud, unnecessary noise of such character, intensity, or duration, either steadily or intermittently, at any place which annoys, disturbs, endangers or impairs the comfort, health, convenience, safety, welfare, enjoyment and peace and quiet of other persons in the vicinity.

2. It shall be unlawful at any time of the day or night to keep any animal, dog, or bird which by causing frequent or long-continuing noise, or barking, causes a disturbance as defined in paragraph 1 above.

3. Operating any automobile, motorcycle or other vehicle or engine that causes unreasonable noise, including but not limited to noise resulting from exhaust, mechanical defect or modification which, by creation of unreasonable noise, shall be disturbing to other persons in the vicinity. The modification or removal of any noise abatement device or muffler on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be a violation of this section.

4. Erecting, excavating, demolishing, altering or repairing any building or premises in any part of the township, and including streets and highways, in such a manner as to emanate unreasonable or excessive noise, or disturbance annoying to other persons, other than between the hours of dawn and sundown of any day.

C. Exceptions. None of the above-listed prohibitions shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency activities;

2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, County Road Commission or other entity with jurisdiction of same.

3. Any activity defined as a "farming operation" by the MICHIGAN RIGHT TO FARM ACT, Public Act 93 of 1981, Michigan Compiled Laws (MCL) 286.271 et. seq.

4. Warning devices emitting sound for warning purposes as authorized by law.

5. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.

#### SECTION 3 - Violations, Penalty and Persons Responsible

A. All violations of this Ordinance are declared nuisances per se.

B. Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than Five Hundred (\$500) dollars, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$65.00 or more than five hundred (\$500.00) dollars be ordered.

C. Repeat Offenses. Repeat offenses under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) violation of this Ordinance committed on a specific parcel or property within any one (1) year period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:

1. 2nd offense - not less than \$250.00;

2. 3rd and subsequent offense - not less than \$500.00

D. Persons Chargeable with a Violation. Persons chargeable with a violation of this Ordinance and subject to being responsible for a municipal civil infraction may include the following:

1. The owner, agent, lessee, tenant, contractor or any other person using or having control or possession of the land, building or premises where such violation has been committed or shall exist;

2. Any person who knowingly commits, aids and abets, takes part or assists in any such violation; or,

3. Any person who owns or maintains any land, building, or premise on which such violation shall exist.



E. Right to Seek Injunctive Relief from Court. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

F. Each day a violation of this ordinance continues to exist constitutes a separate violation.

SECTION 4 - Severability

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this Ordinance or any part thereof other than the part so declared to be invalid.

SECTION 5 - Repeal

All ordinances or provisions of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION 6 - Effective Date

This Ordinance shall become effective thirty (30) days after the date of its publication.

Adopted by the Township Board, Township of Bangor, Van Buren County, Michigan at a meeting of the Township board held on the 8th day of January, 2013.

Dated: Jan 8, 2013

Regina Hoover

Regina Hoover, Supervisor

Linda Poland

Linda Poland, Clerk

CERTIFICATION

The above Ordinance No. 23 was adopted at a meeting of the Bangor Township Board on the 8 day of January, 2013, and published in the Tri-City Record, a newspaper of general

circulation in the Township of Bangor on the 7<sup>th</sup> day of February, 2013.

Linda Poland

Linda Poland, Clerk